

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED
AUG 26 2010
[Signature]

UNITED STATES OF AMERICA,

CR 10-30027

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

RAYMOND SAENZ,

Defendant.

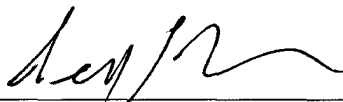
The undersigned parties stipulate that the following facts are true and establish a factual basis for the plea in the action pursuant to Federal Rules of Criminal Procedure 11(b)(3):

That on July 20, 2009, a Confidential Informant (CI) made a controlled purchase of methamphetamine in the parking lot of the Rosebud Casino from Defendant Raymond Saenz and Kaylee Rose Folkers. Folkers was driving and Saenz sold the CI a reputed 8-ball and ½ of an 8-ball. Saenz advised the CI to be cautious as the methamphetamine was very pure. This mixture weighed ~~58.7~~ ^{5.1 grams} grams and was tested by the DEA Laboratory at 92.8% purity for a total of 4.1 grams methamphetamine (actual). *[Signature]*

That on August 29, 2009, a CI made a controlled purchase from Folkers outside a residence west of Mission, South Dakota. The CI paid \$450 for a reputed 8-ball. Folkers asked the CI to phone Saenz confirming the sale. The CI attempted to do so but no one answered. Saenz called the CI shortly thereafter and the CI advised that he wished to purchase a larger quantity of methamphetamine. Saenz

advised that he would be able to bring up a larger quantity on the following Monday or Tuesday. The mixture weighed was tested at 88.5% purity for a total of 1.0 grams of methamphetamine (actual).

BRENDAN V. JOHNSON
United States Attorney



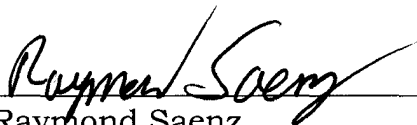
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Date

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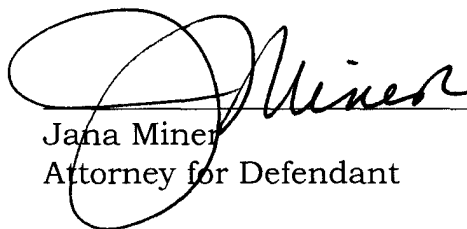
Date



Raymond Saenz
Defendant

8/26/10

Date



Jana Miner
Attorney for Defendant